

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Guzman	Team: Squad #4	CCRB Case #: 201907860	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 08/30/2019 9:20 PM	Location of Incident: Townsend Avenue and East 170th Street	Precinct: 44	18 Mo. SOL 2/28/2021	EO SOL 10/15/2021	
Date/Time CV Reported Thu, 09/05/2019 3:11 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 09/05/2019 3:11 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Jahaira Barriga	15740	957360	044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Ofelia Mero	06897	954131	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Jahaira Barriga	Abuse: Police Officer Jahaira Barriga threatened § 87(2)(b) with the use of force.	[REDACTED]

Case Summary

On September 5, 2019, § 87(2)(b) filed this complaint with the CCRB via the online website.

On August 30, 2019, at approximately 9:20 p.m., in the vicinity of Townsend Avenue and East 170th Street in the Bronx, PO Jahaira Barriga and PO Ofelia Mero, both from the 44th Precinct, stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants for having a defective headlight. PO Barriga allegedly told § 87(2)(b) “You are lucky that you did not get a shotgun to the face and I did not drag you out of the car” (**Allegation A: Abuse of Authority**, § 87(2)(g))

§ 87(2)(b) received summonses for § 87(2)(b) as a result of this incident (Board Review 01 and 02).

The investigation obtained body-worn camera footage regarding this incident; however, the footage does not capture the period during which misconduct was alleged to have occurred.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Jahaira Barriga threatened § 87(2)(b) with the use of force.

It is undisputed that PO Barriga and PO Mero stopped § 87(2)(b)'s vehicle for operating a vehicle without a headlight.

PO Barriga's body-worn camera footage captures the incident until the moment that PO Barriga issues the summonses to § 87(2)(b) (Board Review 03). At 13:47 in PO Barriga's body-worn camera footage, PO Barriga says, “Summons issued, camera off.” Both PO Barriga and PO Mero's BWC are turned off immediately afterwards.

§ 87(2)(b) acknowledged (Board Review 04) that his vehicle had a defective headlight. PO Barriga also mentioned to § 87(2)(b) that his seatbelt was not on. PO Barriga gave § 87(2)(b) two summonses and stated that his appeared as stolen in their database. § 87(2)(b) responded that the car was not stolen, that it was in his mother's name, and that they both have the same home address. PO Barriga responded, “You are lucky that you did not get a shotgun to the face and I did not drag you out of the car.”

§ 87(2)(b) articulated (Board Review 05) that PO Barriga said to § 87(2)(b) "Here's the problem. Your car is stolen, and you are receiving a ticket for your headlight and seatbelt. Lucky I don't have my gun to your face."

PO Barriga (Board Review 06) denied threatening to use force against § 87(2)(b) or making the alleged statement. PO Barriga turned off her body-worn camera after issuing two summonses to § 87(2)(b)

PO Mero denied hearing PO Barriga making the alleged statement (Board Review 07).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (Board Review 08).
- PO Barriga has been a member-of-service for four years and this is the first complaint to which she has been a subject.

Mediation, Civil, and Criminal Histories

- § 87(2)(b) rejected mediation.
- On December 3, 2019, a FOIL request was submitted to the Office of the Comptroller to determine if any Notice of Claim had been filed in relation to this incident. The requested information will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date